



10-23-02

16448

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

LAHN et al.

Serial No.: 09/826,319

Filed: April 3, 2001

Atty. File No.: 2879-80

For: "METHOD TO INHIBIT AIRWAY  
HYPERRESPONSIVENESS USING  
AEROSOLIZED T CELL RECEPTOR  
ANTIBODIES"

RESPONSE TO  
SPECIES ELECTION REQUIREMENT

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PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: KATHLEEN BUSSELL

SIGNATURE: *Kathleen Busnell*

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This response is filed in response to the Species Election Requirement having a mailing date of September 20, 2002. This response is believed to be timely and therefore, no fees are enclosed. In the event that fees are due in connection with this response, please debit Deposit Account No. 19-1970.

The Examiner has made a species election as follows:

For Claim 1:

- (a) antibodies that bind to  $\alpha\beta$  TcR;
- (b) antibodies that bind to  $\gamma\delta$  TcR;
- (c) antibodies that bind to  $\alpha\beta$  TcR and  $\gamma\delta$  TcR;
- (d) antibodies that bind to CD4;
- (e) antibodies that bind to CD8; or
- (f) antibodies that bind to CD3.

In addition, if species (b) is elected ( $\gamma\delta$  TcR), the Examiner has requested an election from additional species from the V $\gamma$  chains disclosed in Claim 4.

Applicants provisionally elect, without traverse, the **species (a) antibodies that bind to  $\alpha\beta$  T cell receptors**. Applicants note that a species election requirement is primarily, if not solely, intended to facilitate a search by the Examiner. Applicants note that the Examiner is obligated to examine the generic claims and submits that the scope of the claims of the present invention is not limited to the elected species.

Respectfully submitted,

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Date: October 21, 2002